

Title 17

VISITOR'S BUREAU & CULTURAL INSTITUTIONS

Chapters:

- 01 American Samoa Cultural Institutions**
- 02 Samoan Library**
- 03 Feleti Barstow Public Library**
- 04 Museum of American Samoa**
- 05 American Samoa Cultural Arts Academy**
- 06 Tourism Development**

Chapter 01

AMERICAN SAMOA CULTURAL INSTITUTIONS

Sections:

- 17.0101 Creation.**
- 17.0102 Appointment of members.**
- 17.0103 Vacancies.**
- 17.0104 Requirement of members.**
- 17.0105 Meetings—Function.**

17.0101 Creation.

There is created an American Samoa historical commission, which shall consist of 6 members who shall serve for 3-year terms and who may be reappointed.

History: 1970, PL 11-97, 1971, PL 12-8 § 1.

17.0102 Appointment of members.

The Governor of American Samoa shall appoint 3 members of the commission and shall name 1 of the members so appointed chairman. The district governors of each district shall each appoint 1 member.

History: 1970, PL 11-97; 1971, PL 12-8 § 1.

17.0103 Vacancies.

Any vacancy on the commission shall be filled by appointment by the official authorized to make the original appointment, and any member so appointed shall serve for the remainder of his predecessor's unexpired term.

History: 1970, PL 11-97; 1971, PL 12-8 § 1.

17.0104 Requirement of members.

Persons appointed to serve as members of the commission shall be knowledgeable in the history, customs, and traditions of the people of American Samoa.

History: 1970, PL 11-97; 1971, PL 12-8 § 1.

17.0105 Meetings—Function.

The commission shall meet at such times as the chairman may designate, in order to consider and recommend to the Governor programs to promote the study of American Samoa history and culture, to disseminate knowledge and understanding of these subjects to the people of American Samoa and of the United States, and to protect and preserve historical sites and artifacts which play an important or representative role in Samoan life, past or present.

History: 1970, PL 11-97.

Chapter 02

SAMOAN LIBRARY

Sections:

17.0201 Powers and duties of Department of Education.

17.0202 Powers and duties of Treasurer of American Samoa.

17.0201 Powers and duties of Department of Education.

(a) With the exception of the Feleti Barstow Public Library, the Department of Education of the government shall be responsible for developing and maintaining free library services for all people residing in American Samoa. These services shall include an extension service to all villages either by bookmobile or village library stations.

(b) The Department of Education is authorized and empowered to request, accept, receive and administer for the government, any funds, books and other library materials appropriated or donated by any donor, including the government of the United States or any of its departments, boards or bureaus; which are needed to develop and improve public and school libraries with the exception of funds, grants, books and other materials designated for the Feleti Barstow Public Library.

History: 1962, PL 7-15; 1963, PL 8-9; 1998, PL 25-23; amd 1999, PL 26-3.

17.0202 Powers and duties of Treasurer of American Samoa.

The Treasurer of the government shall receive and keep all funds appropriated by the government of the United States under any law providing funds for public and school libraries. He is authorized to make whatever provisions are necessary for keeping the funds, as well as their disbursement.

History: 1962, PL 7-15; 1963, PL 8-9.

17.0203 Feleti Barstow Public Library.

The library building located at the village of Utulei shall serve as the central library for the Territory of American Samoa and shall be known as the Feleti Barstow Public Library.

History: 1998, PL 25-23; amd 1999, PL 26-3.

Chapter 03

FELETI BARSTOW PUBLIC LIBRARY

Sections:

- 17.0301 Establishment of the Feleti Barstow Public Library.**
- 17.0302 Powers and duties of the Feleti Barstow Public Library.**
- 17.0303 Establishment of the public library board.**
- 17.0304 Public library board—Powers and duties.**
- 17.0305 Territorial Librarian.**
- 17.0306 Personnel.**
- 17.0307 Assumption of role.**
- 17.0308 Budget.**
- 17.0309 Fiscal management.**
- 17.0310 Independent audit reports—Consultants—Annual reports.**

17.0301 Establishment of the Feleti Barstow Public Library.

There is established, as an agency within the Executive branch of government, the Feleti Barstow Public Library.

History: 1999, PL 26-3.

17.0302 Powers and duties of the Feleti Barstow Public Library.

The Feleti Barstow Public Library:

- (a) may sue and be sued;
- (b) may adopt and use a seal;
- (c) may make contracts, as authorized in this chapter;
- (d) may adopt, amend, and repeal bylaws;
- (e) may purchase or lease and hold personal property it considers necessary or convenient in the transaction of its business, may dispose of personal property held by it in accordance consistent with the laws of the government;
- (f) may, in the name of the government, purchase, lease, or sell real estate, and accept title to that real estate in the name of the government, to accomplish the purposes of this chapter;
- (g) may procure or contract for the procurement of supplies, equipment, materials, personal services other than by employees, and construction with any public or private entity upon terms and conditions as it finds necessary to the full and convenient exercise of its purposes and powers, subject to all applicable laws and rules of American Samoa, and shall receive and account for its inventory of materials;
- (h) shall serve a center for life-long learning, dedicated to meeting the needs of all age groups, unskilled, skilled, and professional workers, students, preschoolers, business, government, elected officials, throughout the Territory;
- (i) shall make available books, periodicals, government publications, audiovisual, video-conferencing, internet, and other educational and cultural materials and provide the physical facilities and equipment to use these materials and services;
- (j) shall serve the informational needs of the general public, department of education staff and the staffs of other departments; and educational, community, businesses and

cultural organizations;

(k) shall maintain a collection of Samoan and other Pacific Islands resources and cooperate with regional libraries and agencies of the Pacific in matters of mutual concern and benefit to the Pacific basin, including the South Pacific Commission, Pacific Forum, Nelson Memorial Library of Samoa, Universities of Guam, Hawaii and Fiji and Pacific resources for education and learning;

(l) shall encourage life long education, instruct users of the library on the efficient and effective use of library resources and provide information services for social, economic and political development in American Samoa;

(m) shall be responsible for developing and receiving private and government grants and contributions of money or property which the library may use for or in aid of any of its purposes;

(n) shall establish fair and reasonable charges for copy services, late book fees, rental of conference rooms with and without video equipment, sale of surplus books and other surplus materials and other income producing activities;

(o) may adopt other rules pursuant to the Administrative Procedures Act, 4.1001 et seq., not inconsistent with the provisions of this chapter or with the rules of the government, that are necessary and proper for the administration and operation of the public library; and

(p) shall exercise all other powers not inconsistent with the provisions of this chapter or with the rules of the government, which may be reasonably necessary or incidental to the establishment, maintenance and operation of the public library.

History: 1999, PL 26-3

17.0303 Establishment of the public library board.

(a) The public library board is established. The board shall consist of eight members. The director of education or his designee, one additional member from the Department of Education, two members from the staff of the American Samoa Community College and at least two members from the private business sector. Seven members are to be appointed by the Governor with the advise and consent of the Legislature. The board members shall serve without compensation or other emoluments. Travel expenses for off island directors or for travel to board approved off island meetings will be reimbursed.

(b) In order to provide continuity in the work of the board, the term of office of six of the board members shall be for 4 years and shall be so arranged as not to expire at the same time. Members shall serve until their successor has been qualified. Vacancies shall be filled in the same manner as original appointments.

History: 1999, PL 26-3

17.0304 Public library board—Powers and duties.

The public library board, in addition to other provisions of this chapter:

(a) shall employ a competent and qualified Territorial Librarian;

(b) shall select its chairman, vice chairman and secretary-treasurer from among its own membership;

(c) shall develop and adopt written bylaws establishing meeting schedules and procedures, relationship with the Territorial Librarian and staff, selecting committees for specific purposes, defining fiscal procedures and other regulations required for the

operations and programs of the library;

(d) shall determine, pursue and maintain adequate funds to carry on the library programs;

(e) shall develop, support and participate in a planned public relations program;

(f) shall approve both the annual budget and fund raising programs and review monthly operating statements submitted by the Territorial Librarian;

(g) shall require members to attend all board meetings unless ill or excused due to off island travel;

(h) shall review all policies regarding use of library resources and negotiate policy approvals; and

(i) shall review, correct if required, and approve the Territorial Librarian's reports submitted at each meeting.

History: 1999, PL 26-3

17.0305 Territorial Librarian.

The public library board shall recommend to the Governor a list of three to five candidates, in the order of descending priority, who have received the highest consideration of the board. The Governor shall appoint the Territorial Librarian only from the proffered list of recommendations. Subject to government employee laws A.S.C.A 7.0101 et. seq., and rules and procedures of the board, the Territorial Librarian serves at the pleasure of the board.

History: 1999, PL 26-3

17.0306 Personnel.

All employees of the Feleti Barstow Public Library, except for the Territorial Librarian, are appointed or hired and compensated in accordance with the government employee laws A.S.C.A., 7.0101 et seq., except that the public library board may adopt administrative rules, pursuant to A.S.C.A. 4.1001 et seq. To supplant government employee laws and rules in the specific categories of personnel recruitment, assignment, transfer, employment, termination, of employee services, disciplinary actions, and compensations at levels comparable to higher education and library and learning resource management and employee levels.

History: 1999, PL 26-3

17.0307 Assumption of role.

The public library board shall assume, upon approval of this act, full responsibility and right to operate all items of property, including any construction, equipment or material purchases in progress, equipment, and machinery used under the previous status of operation by the government intended or designated for the Feleti Barstow Public Library. All property used jointly by the Feleti Barstow Public Library and the government and grants and other funding available for the Feleti Barstow Public Library are hereby transferred to the Feleti Barstow Public Library. Future capital contributions to the Feleti Barstow Public Library from the government must be by separate authorization and appropriation.

History: 1999, PL 26-3

17.0308 Budget.

(a) The basic source of financing the public library is the government through its regular budget process. The government shall provide an initial appropriation from local revenues for the FY-1999 operation and programs of the public library.

(b) The public library board shall submit to the Governor, upon approval of the board, a budget of estimated expenditures for the next fiscal years. The budget shall contain separate estimates for capital outlay expenses and operational expenses and shall be submitted in such form and detail as may be required by applicable laws and rules of government.

(c) Each budget shall identify clearly the amount or amounts requested to be appropriated, the amount or amounts available or estimated to be available from gifts, grants, donations, or other sources, and the amount or amounts for which application is being made or is to be made for federal aid.

History: 1999, PL 26-3

17.0309 Fiscal management.

The Feleti Barstow Public Library is responsible for the management and operation of its fiscal affairs. It shall establish procedures based on principles of sound bookkeeping and fiscal management, with the approval of the board, for the administration of all accounting systems, including, but not limited, general ledger, fixed assets, accounts receivable, accounts payable, payroll and cash. The board shall submit quarterly performance reports to the office of planning and budget as required by section 10.0509.

History: 1999, PL 26-3

17.0310 Independent audit reports—Consultants—Annual reports.

(a) The public library board shall employ a firm of independent certified public accountants to examine and report each year upon the status of financial records and accounts, and may renew that employment annually. Copies of these reports shall be furnished by the board to the Governor and the Legislature.

(b) The public library board may make intergovernmental or contractual agreements for expert consultants to advise or consult with it in all matters related to the operation of the public library, including systems design, plant design, planning, budgeting and legal matters.

(c) The public library board shall provide an annual report for each fiscal year, which shall include descriptions of financial and programmatic activities of the public library during the year, to the Governor and the Legislature, not later than 31 December.

History: 1999, PL 26-3

Chapter 04**MUSEUM OF AMERICAN SAMOA****Sections:****17.0401 Established.**

- 17.0402 Purpose.**
- 17.0403 Funding.**
- 17.0404 Functions.**
- 17.0405 Board of trustees.**
- 17.0406 Limit of obligations—Approval of contracts by Governor.**
- 17.0407 Transfer of artifacts.**
- 17.0408 Theft of objects—Penalty.**

17.0401 Established.

There is established within the executive branch of the government, under the direction of a board of trustees, the Museum of American Samoa, which shall constitute a nonprofit instrumentality of the government.

History: 1971, PL 12-30 § 2; 1999, PL 26-3.

17.0402 Purpose.

The purposes of the museum shall be to:

- (1) Establish, maintain, acquire and supervise the collection, study, preservation, interpretation and exhibition of fine art and objects, and such relics, documents, paintings, artifacts and other historical and related materials as will evidence and illustrate the history of the Samoan Islands and the culture of their inhabitants, particularly of American Samoa;
- (2) interpret Samoan culture in relation to other Polynesian cultures; and
- (3) recognize and preserve Samoan cultural values.

History: 1971, PL 12-30, § 2; 1999, PL 26-3.

17.0403 Funding.

The Legislature of American Samoa hereby states its intention to appropriate such local revenue as may be reasonably necessary to operate the museum of American Samoa.

History: 1971, PL 12-30 § 5; 1999, PL 26-3.

17.0404 Functions.

The museum of American Samoa is authorized, acting through the board of trustees, to perform the following functions:

- (1) acquire by purchase, lease, gift, loan, or otherwise, and hold, manage and administer, all such property, real or personal, as it deems necessary to carry out its purposes;
- (2) accept from the federal government or any other government, organization, body or agency, public or private, services, equipment, supplies, materials or funds by way of gift, loan or grants; provided, that all funds shall be for the purposes of 17.0401 and 17.0402 and no other;
- (3) apply for tax-exempt status;
- (4) adopt, amend, and repeal bylaws;
- (5) make contracts as authorized, and sue and be sued in its own name;
- (6) adopt and issue such rules and regulations not inconsistent with the provisions of

this chapter as may be necessary for the operation and maintenance of the museum, and for the conduct of visitors, patrons and the general public; and

(7) employ such personnel as are deemed necessary by the board of trustees.

History: 1971, PL 12-30 § 3; 1999, PL 26-3.

17.0405 Board of trustees.

(a) The Museum of American Samoa shall be managed by a board of trustees consisting of 5 persons, who shall serve for a term of 1 year and be appointed by the Governor.

(b) The Governor shall appoint 1 of the trustees as chairman.

(c) The presence of 3 persons shall be necessary to constitute a quorum and the vote of the majority of those present shall be necessary to decide any issue.

(d) The trustees shall serve without compensation.

(e) A trustee may succeed himself.

History: 1971, PL 12-30 § 4; 1999, PL 26-3.

17.0406 Limit of obligations-Approval of contracts by Governor.

Nothing in this chapter may be deemed to authorize the museum of American Samoa to obligate the government for expenditures or other amounts in excess of such sums as may be appropriated by the Legislature, or are available through contributed funds or federal funds, nor may the museum mortgage or encumber any of its property. The Governor shall approve all contracts in writing.

History: 1971, PL 12-30 § 6; 1999, PL 26-3.

17.0407 Transfer of artifacts.

The board may accept all artifacts, objects, and other related historical and cultural materials of the present museum located at government house, and upon said acceptance cause an inventory to be made of all items so transferred and accepted by the board.

History: 1971, PL 12-30 § 7; 1999, PL 26-3.

17.0408 Theft of objects-Penalty.

Any person who steals or assists in stealing any pamphlet, map, chart, picture, photograph, engraving, manuscript, statue, coin, model, apparatus, specimen, work of literature, object of art or curiosity deposited in the museum of American Samoa shall be guilty of a misdemeanor and may be fined not more than \$1,000, or imprisoned for not more than one year, or both.

History: 1971, PL 12-30 § 8; 1999, PL 26-3.

Chapter 05

AMERICAN SAMOA CULTURAL ARTS ACADEMY

Sections:

17.0501 Purpose and policy.

- 17.0502 Definitions.**
- 17.0503 Establishment of Academy.**
- 17.0504 Board of Governors.**
- 17.0505 Executive director of the academy.**
- 17.0506 Finances.**
- 17.0507 Nonprofit and nonpolitical nature of institute.**
- 17.0508 Tax status—Tort liability.**
- 17.0509 Authorization of appropriation.**

17.0501 Purpose and policy.

The Legislature finds that:

- (1) Samoan art, culture and traditions have contributed greatly to the artistic and cultural richness of the Samoan people;
- (2) Samoan art and culture occupy a unique position in Samoan history as being our only native art form and cultural heritage;
- (3) the enhancement and preservation of Samoan native art, culture and traditions has a fundamental positive influence on Samoans everywhere;
- (4) although the encouragement and support of Samoan arts and crafts are primarily a matter for private initiatives, it is critically imperative that the American Samoa Government also establish as a matter of law, the need to provide for a national institute whereby specific programs are organized to produce needed results for the preservation and enhancement of the Samoan language, a comprehensive Samoan-English dictionary, and the transformation of English words into the Samoan language;
- (5) it is appropriate and necessary for the American Samoa Government to support research and scholarship in Samoan art, culture and traditions and to complement programs for the advancement of such art, culture and traditions by private and public agencies and organizations;
- (6) current initiatives in the area of Samoan cultural arts and traditions are fragmented and inadequate; and
- (7) in order to coordinate efforts to preserve, support, revitalize, and disseminate Samoan art, culture and tradition it is therefore necessary for the American Samoa Government to establish a Samoan cultural arts academy for that purpose.

History: 2000, PL 26-32.

17.0502 Definitions.

As used in this chapter, unless the context clearly requires otherwise:

- (1) “Samoan art, culture and traditions” means, but is not limited to, the traditional and contemporary expressions of Samoan language, history, anthropology, archaeology, linguistics, music, social institutions, more/values, legends, mythologies, and other related studies, research and analyses that pertain to the Samoan culture and traditions.
- (2) “Academy” means the academy established to promote and enhance the objectives and purposes of this Act.
- (3) “Board” means the board of governors of the academy established under this act.
- (4) “Samoan” means any person who is of Samoan ancestry and who actively participates and engages in the practice of Samoan culture, language arts and traditions.
- (5) “Governor” means the governor of American Samoa.
- (6) “Legislature” means the Legislature of American Samoa.

History: 2000, PL 26-32.

17.0503 Establishment of academy.

(a) In general: There is established a non-profit and semi-independent corporation to be known as the “American Samoa Cultural Arts Academy”, which shall be under the direction and control of a board of governors established under this act.

(b) Succession and amendment of charter. The corporation established under this act shall continue in existence until dissolved by an act of the American Samoa Government.

History: 2000, PL 26-32.

17.0504 Board of Governors.

(a) Composition.

(1) The voting members of the Board of Governors of the academy shall be:

- (1) Secretary of Samoan Affairs.
- (2) District Governor of Manu’a.
- (3) District Governor of the Eastern District.
- (4) District Governor of the Western District.
- (5) Chairman, Senate committee on Samoan Affairs.
- (6) Chairman, House committee on Samoan Affairs.
- (7) President, American Samoa community college.
- (8) Chairman, American Samoa arts council.
- (9) Chairman, American Samoa humanities council.

(2) The non-voting members of the board of governors of the academy shall be:

- (1) Governor of American Samoa
- (2) Lieutenant Governor of American Samoa
- (3) Chief Justice of the High Court of American Samoa
- (4) President of the Senate
- (5) Speaker of the House of Representatives
- (6) American Samoa’s representative to the U.S. House of Representatives
- (7) Territorial Historic Preservation Officer
- (8) Territorial archivist
- (9) Superintendent of the National Park of American Samoa

(b) Terms of office. Members of the board shall serve in accordance with their appointments or election into the offices or positions to which they are officially appointed or elected. Non-voting members may actively participate in board meetings.

(c) Vacancies. A vacancy occurs when a member is removed for cause or no longer serves in one of the positions listed in subsection (a). Any vacancy shall be filled when a successor is appointed or elected to the then vacant position.

(d) Removal. No member of the board may be removed during the term of office of such member except for just and sufficient cause.

(e) Chairman and other officers: call of meetings.

(1) The chairman and vice chairman shall be selected from the members of the board, and shall serve at the pleasure of the board.

(2) The Secretary of Samoan Affairs shall call the first meeting of the board no later than two months after the effective date of this act. The chairman and vice-chairman shall be selected at this first meeting.

(3) The board may select other officers as may be necessary.

(4) The chairman may call meetings of the board as he or she deems beneficial, and must call a meeting of the board within 10 days at the written request of any 5 voting members.

(f) Support staff. Secretarial and administrative staff support for the purposes of maintaining a proper records, financial reports and all important decisions of the board shall be provided through the office of the President of the American Samoa Community College, until established otherwise by the board.

(g) Powers. The board is hereby authorized to conduct the following:

(1) to achieve to the maximum extent possible, the findings contained in this act;

(2) to establish a duly organized program whereby the Samoan language is given under study to the fullest extent possible in terms of origin and meanings, diction, grammar, and usage of Samoan words and the Samoan language. This program shall be called the "Samoan language institute";

(3) to establish an organized program to properly transform as many words as practical of the English language into words of the Samoan language. This program shall be designated the "Samoan-English words transformation institute";

(4) to organize and establish a program whereby a comprehensive Samoan-English dictionary text be written and compiled. This program shall be called the "Samoan-English dictionary institute";

(5) to properly screen, review and give approval, support or non-support of proposals that claim expertise on Samoan culture;

(6) to establish a cultural center;

(7) to direct and manage the academy;

(8) to adopt a corporate seal and logo;

(9) to make agreements and contracts with persons, private or governmental entities and to make payments or advance payments under such agreements;

(10) to sue and be sued in its corporate name and to complain and defend in any court of competent jurisdiction;

(11) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings;

(12) to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the academy;

(13) to receive grants from, and enter into contracts and other arrangements with, federal, state, or local government, public and private agencies, organizations, institutions, and individuals;

(14) to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the board to carry out the purposes of this act.

(15) to obtain insurance to cover all activities of the academy including coverage relating to property and liability, or make other provisions against losses;

(16) to exercise all lawful powers necessarily or reasonably related to the establishment of the academy in order to carry out the provisions of this act and the exercise of the powers, purposes, functions, duties, and authorized activities of the institute.

(h) Accounting and audit reports. The executive director, through the board, shall be responsible for the submission of an annual audit report of all official expenses, assets, liabilities and financial operations. The report shall be submitted to appropriate federal

and local agencies, and major private donors. The report shall be made available to any person or organization who has an interest in the activities of the academy.

(i) Interest and income. Interest and earnings on amounts received by the academy shall be the property of the academy and shall be expended to carry out the purposes of this act. The board shall be held to a reasonable and prudent standard of care, given such information and circumstances as existed when decisions are made.

History: 2000, PL 26-32.

17.0505 Executive director of the academy.

(a) First executive director. After the first organizational meeting of the board and for no more than 2 years thereafter, the President of the American Samoa Community College shall serve as the interim executive director.

(b) Other executive directors. No more than two years after the initial meeting of the board, the board shall appoint an executive director.

(c) Duties of the executive director. The executive director is responsible for the administration of the policies and functions of the academy as determined by the board. The executive director shall be responsible for the preparation and submission of an audit and annual financial report which shall include statements of all significant financial activity, as well as its assets and liabilities.

(d) Compensation. The Executive director and clerical staff shall be compensated as determined by the board.

History: 2000, PL 26-32.

17.0506 Finances.

All funds received by the Institute from any source whatsoever, shall be deposited in an account or accounts at a federally-insured banking or savings institution.

History: 2000, PL 26-32.

17.0507 Nonprofit and nonpolitical nature of institute.

(a) Stock. The academy shall have no power to issue any shares of stock or to declare or pay any dividends.

(b) Nonprofit nature. No part of the income or assets of the academy shall insure to the benefit of any board member or employee, or any other individual except as salary or reasonable compensation for services.

(c) Nonpolitical nature. The academy shall not contribute to, or otherwise support, any political party or candidate for elective public office.

History: 2000, PL 26-32.

17.0508 Tax status—Tort liability.

(a) Tax status. The academy and the franchise, capital, reserves, income, and property of the academy shall be exempt from all taxation now or hereafter imposed by the American Samoa Government.

(b) Tort liability. The academy shall be subject to liability relating to tort claims to the same extent as other eleemosynary or nonprofit corporations.

History: 2000, PL 26-32.

Chapter 06

TOURISM DEVELOPMENT

Sections:

- 17.0601 Short title.**
- 17.0602 Purposes.**
- 17.0603 Interpretation.**
- 17.0604 Severability clause.**
- 17.0605 Authority to adopt rules.**
- 17.0606 Definitions.**
- 17.0607 Establishment of the American Samoa Visitors Bureau.**
- 17.0608 Powers and duties of the bureau.**
- 17.0609 Creation of the position of executive director--Selection.**
- 17.0610 Duties and responsibilities of the executive director.**
- 17.0611 Creation of the American Samoa Visitors Bureau Board.**
- 17.0612 Composition and qualifications of board members—Chairman—
Terms—Quorum.**
- 17.0613 Board administrator.**
- 17.0614 Board duties and responsibilities.**
- 17.0615 No compensation for board members—Special meetings.**
- 17.0616 Attorney General as legal counsel.**
- 17.0617 Personnel.**
- 17.0618 Transfer of assets.**
- 17.0619 Transfer of liabilities.**
- 17.0620 Source of funding.**
- 17.0621 Audit.**
- 17.0622 Accounting and budget.**
- 17.0623 Procurement.**

17.0601 Short title.

This act may be cited as the Tourism Development Act of 2008.

History: 2008, PL 30-15.

17.0602 Purposes.

This act shall be construed and applied to advance its underlying purposes listed in no order of priority, which are:

- (1) to promote American Samoa as a tourist destination for the Pacific region and around the world;
- (2) to promote tourism within American Samoa and among its people by getting the people involved with various projects and activities aimed at elevating American Samoa as a competitive tourist destination;
- (3) to promote the preservation of the Samoan culture and heritage;
- (4) to promote the preservation of the environment among the residents of American Samoa;

(5) to promote the preservation of Samoan cultural sites, locations, artifacts, oral traditions, and festive arts; and

(6) to create one government entity responsible for the coordination and facilitation of all that is necessary to carry out the provisions and intent of this act.

History: 2008, PL 30-15.

17.0603 Interpretation.

In this act, unless the context otherwise requires, words in the singular include the plural, and words in the plural include the singular.

History: 2008, PL 30-15.

17.0604 Severability clause.

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

History: 2008, PL 30-15.

17.0605 Authority to adopt rules.

The board of the American Samoa Visitors Bureau shall adopt administrative rules pursuant to A.S.C.A., 4.1001 et seq., to implement the provisions of this title.

History: 2008, PL 30-15.

17.0606 Definitions.

For purposes of this title:

- (1) “Act” shall mean the Tourism Development Act of 2008.
- (2) “Board” shall mean the American Samoa Visitors Bureau Board.
- (3) “Bureau” shall mean the American Samoa Visitors Bureau.
- (4) “Chairman” shall mean the chairman of the American Samoa Visitors Bureau Board.
- (5) “Director” shall mean the Executive Director of the American Samoa Visitors Bureau.
- (6) “Government” or “ASG” shall mean the American Samoa Government.
- (7) “Governor” shall mean the Governor of American Samoa.

History: 2008, PL 30-15.

17.0607 Establishment of the American Samoa Visitors Bureau.

There is established a government agency within the Executive branch of the government known as the American Samoa Visitors Bureau.

History: 2008, PL 30-15.

17.0608 Powers and duties of the bureau.

The American Samoa Visitors Bureau:

- (1) may sue and be sued as set forth in 43.1203 and 43.1205;
- (2) may adopt and use a seal;
- (3) may make contracts, as authorized in this chapter;
- (4) may adopt, amend, and repeal bylaws;
- (5) may purchase or lease and hold personal property it considers necessary or convenient in the transaction of its business, and may dispose of personal property held by it;
- (6) may, in the name of the government, purchase, lease, or sell real estate, and to accept title to that real estate in the name of the government, to accomplish the purposes of this act;
- (7) shall create tourism sensitive public policy to support tourism development by encouraging innovation and investment in new and existing products;
- (8) may enter into partnerships with other entities, person, or organizations in order to further the intent and provisions of this act;
- (9) shall encourage, promote and support the development of tourist traffic within and to American Samoa;
- (10) shall encourage and support the training and education and development, of persons for the purposes of employment in connection with the tourism industry in American Samoa;
- (11) shall establish and maintain registers of hotels, guesthouses, holiday camps, holiday hostels, camping sites, approved holiday cottages, holiday apartments and youth hostels;
- (12) shall engage in research and planning in relation to matters specified in subsection (9), (10) and (11);
- (13) may engage in advertising and sponsorship or any other form of publicity in order to further the intent and provisions of this act;
- (14) may establish and operate tourist information offices;
- (15) shall have all such powers as are necessary or expedient for the performance by it of its functions;
- (16) shall, in the performance of its functions, have regard to policies of the Government relating to the preservation of the Samoan language and culture.

History: 2008, PL 30-15.

17.0609 Creation of the position of executive director—Selection.

The American Samoa Visitors Bureau shall be headed by an executive director, to be selected by the board.

History: 2008, PL 30-15.

17.0610 Duties and responsibilities of the executive director.

The director shall be responsible for the following:

- (a) investigate, determine, research and observe the current situation of tourism in American Samoa, by utilizing such methods as public hearings, forums, questionnaires, studies, and all other such research methodologies necessary for the determination of the current state of tourism in the Territory. Prior studies and researches conducted by or in conjunction with other ASG offices, such as the American Samoa Economic Advisory Commission report, may also be utilized;

(b) utilizing the information attained pursuant to subsection (a), he shall make a determination as to what segments of the tourism industry are appropriate in American Samoa, giving due regard to its natural and human resources, culture, and all other such factors that may aid in making decisions on what specific types of tourism are most beneficial to American Samoa;

(c) utilizing the information attained pursuant to subsection (a) and (b) above, he shall make reports to the board on what policies and programs should be implemented for the purpose of promoting and advancing tourism in American Samoa. These reports shall specify the types of programs and policies to be implemented, and shall offer the arguments for and against it. It shall further identify the possible impact these policies and programs may have on the culture and economy of American Samoa;

(d) implement and execute policies and programs consistent with his reports under subsection (c), and shall make all efforts necessary to promote, advance, boost, encourage and further the aims and goals of these reports. However, the director shall not implement or execute such policies and programs until the board has offered a written advisory or recommendation concerning such reports, or has forgone the opportunity to issue such advisories and recommendation, as provided for in section 17.0614(i);

(e) work with representatives of the government and the private sector in developing and implementing plans and strategies that would aid in the furtherance of the purposes and goals of this act, and those of the bureau;

(f) work with village traditional leaders in identifying cultural concerns brought about by the development of tourism, therefore creating policies and programs that are culturally sensitive and are receptive to the needs of protecting and preserving the Samoan culture and way of life, while at the same time developing and encouraging the growth of the tourism industry in the Territory;

(g) develop rules and regulations for the administration, management and operation of the bureau and submit them to the board for approval;

(h) develop and submit to the board the annual operating budget for review and final approval;

(i) hire qualified and experienced personnel for the operation of the bureau in accordance with the provisions of A.S.C.A. Title 7, and A.S.A.C. Title 4;

(j) prepare, approve and conduct procurement of supplies, equipment, materials and personal services, other than employees, in accordance with all applicable laws and rules of American Samoa;

(k) prepare, approve and issue bureau bi-weekly payroll checks in accordance with board policies and in compliance with local and federal labor laws;

(l) prepare and submit to the board monthly summary reports of cash receipts, receivables, payables, and all pertinent financial data necessary for the proper monitoring of bureau finances;

(m) work with local and federal agencies and offices for the purpose of identifying and securing various grants and funds that may be utilized to fund the annual operations and programs of the bureau;

(n) prepare the agenda for board meetings in consultation with the board administrator; and

(o) do all that is reasonable necessary to assist the bureau in exercising its powers and carrying out its responsibilities pursuant to section 17.0608.

17.0611 Creation of the American Samoa Visitors Bureau Board.

There is created the American Samoa Visitors Bureau Board consisting of five(5) members nominated by the Governor and confirmed by the Legislature of American Samoa.

History: 2008, PL 30-15; 2019, PL 36-1.

**17.0612 Composition and qualifications of board members—Chairman—
Terms—Quorum.**

- (a) The board shall consist of the following members:
 - (1) one member shall be selected from the Department of Commerce;
 - (2) one member shall be selected from the Office of Samoan Affairs;
 - (3) two members shall be selected from the airline, travel agency, hotel, lodging or cruise ship industries; and
 - (4) one member shall be selected from the American Samoa Chamber of Commerce.
- (b) The board shall select its own chairman.
- (c) The first board selected shall have three members appointed for term of three years, and two members appointed for terms of two years. All subsequent members appointed shall be for terms of three years each.
- (d) Three members shall constitute a quorum.

History: 2008, PL 30-15; 2019, PL 36-1.

17.0613 Board administrator.

The board shall be staffed by one employee from the bureau appointed by the director who shall be known as the Board administrator.

History: 2008, PL 30-15.

17.0614 Board duties and responsibilities.

The board shall meet at least once a month and shall have the following duties and responsibilities:

- (a) hire an executive director who shall be directly responsible to the board for the proper and efficient management of the bureau;
- (b) review and decide upon the annual operating budget of the bureau in accordance with the Government's regular budget process;
- (c) review and approve procurement actions;
- (d) review and approve personnel actions;
- (e) review and approve accounting and financial management policies and procedures to ensure compliance with Generally Accepted Accounting Principles (GAAP);
- (f) review, approve and submit an annual financial report to the Governor no later than 30 days after the end of the fiscal year;
- (g) hold regular meetings at least once every month and hold special meetings when necessary. It shall record and keep minutes of all such meetings and make said minutes available for public inspection;
- (h) advise the Governor on matters presented by the director in his reports as required by section 17.0610;
- (i) issue written advisories and recommendations on the director's reports as required

by 17.0610(c). Said advisories and recommendations shall be issued not later than 25 days from the date of receipt of the director's report, and failure of the board to issue within that time shall be deemed a decision by the board to forego making any advisories and recommendations on that particular report;

(j) review and approve all other matters properly within the bureau's authority which are included on the agenda of the board; and

(k) adopt bylaws for the proper conduct of board affairs and business.

History: 2008, PL 30-15.

17.0615 No compensation for board members—Special meetings.

(a) Board members shall not be entitled to compensation, special benefits or reimbursements.

(b) The chairman shall call special meetings at the request of the director of the bureau, or three members of the board.

History: 2008, PL 30-15.

17.0616 Attorney General as legal counsel.

The Attorney General of American Samoa shall provide legal counsel to the bureau and the board unless there is a conflict, or until such time the Legislature provides for alternate counsel.

History: 2008, PL 30-15.

17.0617 Dissolution of the Office of Tourism—Personnel.

(a) At a date fixed by the Governor, the Office of Tourism shall be dissolved. All personnel presently assigned to the tourism office shall remain with the Department of Commerce, unless acquired by the bureau. Employees so transferred to the bureau shall do so without any change in salary or in-service date for computation of retirement eligibility credit under the Government Employees' Retirement Fund.

(b) All officers and employees of the bureau, other than the executive director, are appointed and compensated according to the requirements of the government employee laws, A.S.C.A., Title 7 and A.S.A.C., Title 4, except that the Board, in conjunction with the Department of Human Resources, may adopt administrative rules, pursuant to 4.1001 A.S.C.A., et seq., to supplant government employee rules in the specific categories of personnel recruitment, employment, termination of employee services and disciplinary actions.

History: 2008, PL 30-15.

17.0618 Transfer of assets.

At a date fixed by the board, and approved by the Governor, all tangible assets formerly listed under the Office of Tourism shall be transferred to the bureau with the rights to operate all items of property including construction that may be in progress.

History: 2008, PL 30-15.

17.0619 Transfer of liabilities.

At a date fixed by the board and approved by the Governor, all outstanding liabilities incurred by the former Tourism Office, including all contracts and statutory obligations, shall remain with the Department of Commerce.

History: 2008, PL 30-15.

17.0620 Source of funding.

(a) Funding for the bureau shall be provided for by the Governor pursuant to Title 10, A.S.C.A.

(b) Funds appropriated for the Tourism Office which are unspent at the time that office is dissolved pursuant to section 17.0617 above shall be transferred to the bureau and considered part of its funding. Such transferred funds shall not include amounts specifically designated for purposes of salaries for personnel, and such personnel remained with the Department of Commerce.

History: 2008, PL 30-15.

17.0621 Audit.

The bureau shall employ the Territorial Auditor's Office to examine and report on the condition of financial records and accounts no less than once a year. The report shall be presented to the Governor upon its issuance.

History: 2008, PL 30-15.

17.0622 Accounting and budget.

The bureau shall assume responsibility for its accounting and financial management and shall perform all related accounting functions, including, but not limited to, general ledger, fixed assets, accounts receivable, accounts payable, payroll and cash. The bureau shall apply and adhere to GAAP.

History: 2008, PL 30-15.

17.0623 Procurement.

The bureau may contract for the procurement of supplies, equipment, materials, personal services other than by employees, and construction with any public or private entity upon terms and conditions as it finds necessary to the full and convenient exercise of its purposes and powers, subject to all applicable procurement laws and rules of American Samoa. The bureau shall receive and account for its inventory of materials, supplies and equipment.

History: 2008, PL 30-15.

